

Exhibit
“5”

Carter Deposition Transcript Excerpt

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 DARLENE CARTER, an individual;
4 and DAVID BIANCO, an individual,

5 Plaintiffs,

6 vs.

Case No. 2:19-cv-01799-APG-BNW

7 LIBERTY MUTUAL INSURANCE, a
8 foreign entity, LIBERTY
9 INSURANCE CORPORATION, a foreign
10 corporation, DOES I-X, ROE
11 CORPORATIONS I-X, inclusive,

12 Defendants.

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DEPOSITION BY VIDEOCONFERENCE OF DARLENE CARTER

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December 21, 2020
9:15 a.m.

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Reported by:

Joanne C. Williams, RPR, CR, NV CCR No. 899

Job No. 703132

DARLENE CARTER - 12/21/2020

<p style="text-align: right;">Page 114</p> <p>1 thought about it before I asked?</p> <p>2 MR. MACK: Form.</p> <p>3 THE WITNESS: It's because here again a warranty</p> <p>4 is something that's complete.</p> <p>5 BY MR. GREEN:</p> <p>6 Q. And I think what you're saying is the reason you</p> <p>7 would not ask now is because you don't believe that there</p> <p>8 would be a valid warranty request because they did not</p> <p>9 finish any work?</p> <p>10 A. That's correct.</p> <p>11 Q. But it sounds like before I had asked, that's</p> <p>12 not something that you thought of doing. Is that a fair</p> <p>13 statement?</p> <p>14 MR. MACK: Form.</p> <p>15 THE WITNESS: I'm not sure.</p> <p>16 BY MR. GREEN:</p> <p>17 Q. Now, did anyone from Liberty say to you that you</p> <p>18 were required to use any of Dallas White, Innovation or</p> <p>19 Belfor?</p> <p>20 A. They're the ones that -- yes. They're the ones</p> <p>21 that say we have -- we have a contractor for you. You</p> <p>22 can go with them. They recommended them.</p> <p>23 Q. Okay. So your understanding is that Liberty</p> <p>24 made a recommendation; is that right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. And obviously I'm asking something different,</p> <p>2 which is did anyone from Liberty say that you were</p> <p>3 required to use any of Innovation, Dallas White or</p> <p>4 Belfor? Was there a statement like that from Liberty?</p> <p>5 A. I can't remember.</p> <p>6 Q. And the recommendation, that's what we talked</p> <p>7 about before that you had understood Ms. Chambers to say;</p> <p>8 is that right?</p> <p>9 A. That would be correct, with Innovation</p> <p>10 Properties.</p> <p>11 Q. Did you have any discussion with anyone about</p> <p>12 Innovation -- about why they were, as you understood,</p> <p>13 recommending Dallas White?</p> <p>14 A. No.</p> <p>15 Q. Did anyone from Innovation say anything about</p> <p>16 why they were recommending Dallas White or Belfor?</p> <p>17 A. No.</p> <p>18 Q. Obviously now there have been other people who</p> <p>19 have come and worked on your home. Have any of them said</p> <p>20 anything about the work by Dallas White or Belfor?</p> <p>21 A. No.</p> <p>22 Q. Have you had any conversations with Lane</p> <p>23 Swainston?</p> <p>24 A. Yes.</p> <p>25 Q. When was the last time you spoke with</p>
<p style="text-align: right;">Page 116</p> <p>1 Mr. Swainston?</p> <p>2 A. Probably about a month ago.</p> <p>3 Q. What did you discuss with Mr. Swainston at that</p> <p>4 time?</p> <p>5 A. I -- he was just here to take some pictures,</p> <p>6 some photos of the home.</p> <p>7 Q. Did you talk to him about the home at all?</p> <p>8 A. Regarding what?</p> <p>9 Q. Anything.</p> <p>10 A. Damages to the home, yes.</p> <p>11 Q. What did you discuss with Mr. Swainston about</p> <p>12 damages to the home?</p> <p>13 A. From inside of the house, leakage, mold, talked</p> <p>14 about the roof. We talked about the patio, basically</p> <p>15 everything that's been damaged.</p> <p>16 Q. What did Mr. Swainston say to you about those</p> <p>17 things?</p> <p>18 A. He didn't comment too much at the time. He</p> <p>19 just -- he was -- he came in and did his job is what he</p> <p>20 did, took photos, him and a young lady. And that was it.</p> <p>21 He didn't comment a lot to me at that point in time.</p> <p>22 Q. Did Mr. Swainston ask you any questions?</p> <p>23 A. Yeah. He asked me when it started, how long</p> <p>24 ago, how long it had been.</p> <p>25 Q. And he asked that about each of those issues for</p>	<p style="text-align: right;">Page 117</p> <p>1 leakage, mold, the roof and the patio?</p> <p>2 A. Yes.</p> <p>3 Q. What did you tell him?</p> <p>4 A. I let him know the timeline as far as when the</p> <p>5 damage started or when everything had occurred. Let's</p> <p>6 start from inside the house. My walk-through with him</p> <p>7 was -- at first we came into the master bath. And I</p> <p>8 showed him at the time the windows that was destroyed,</p> <p>9 leaked, walls, roofing, drippage, bubbles of water,</p> <p>10 damage into the master shower, bath area, underneath the</p> <p>11 sinks black mold, mold, a mold smell. So I have had</p> <p>12 extensive damage done to the master bathroom and then</p> <p>13 also the shower.</p> <p>14 So then we walk into the master bedroom. And I</p> <p>15 showed him the shutters, the same with the -- both sets</p> <p>16 of shutters, shutters in master bath and also -- let me</p> <p>17 turn this around -- and also the master bedroom, the</p> <p>18 shutters, the walls and ceilings, water damage, also the</p> <p>19 floor.</p> <p>20 My -- I have French doors going into the master</p> <p>21 bedroom. All the -- around the whole entire door has</p> <p>22 come apart and then damaged the floor. I just walked him</p> <p>23 through the areas. Electrical -- I have had electrical</p> <p>24 drippage through the ceiling, through my chandelier in</p> <p>25 the living room and spotlighting and also the walls, the</p>